

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:12-CV-296-D

NATIONAL ALLIANCE FOR  
ACCESSIBILITY, INC., and  
DENISE PAYNE,

Plaintiffs,

v.

VARIETY STORES, INC.,

Defendant.

**ORDER**

On July 13, 2012, defendant filed a motion to dismiss plaintiffs' amended complaint [D.E. 11]. On August 20, 2012, plaintiffs filed a motion for leave to file a second amended complaint [D.E. 17] and a memorandum in support [D.E. 18].

After considering plaintiffs' motion for leave to file a second amended complaint in accordance with the governing standard, plaintiffs' motion [D.E. 17] is GRANTED. See Fed. R. Civ. P. 15(a)(2). Plaintiffs shall file the second amended complaint attached to their motion not later than January 18, 2013. Defendant shall respond to the second amended complaint in accordance with Federal Rule of Civil Procedure 15(a)(3). Defendant's motion to dismiss [D.E.11] is denied as MOOT.

SO ORDERED. This 11 day of January 2013.

  
JAMES C. DEVER III  
Chief United States District Judge